



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/565

Appeal by Michael Horgan care of Lakes and Rivers of Kerry, Salmon and Trout Conservation and Protection Association of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 23rd day of January, 2020 by Kerry County Council to grant subject to conditions a permission to Killarney Distillery Limited care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

Proposed Development: Conservation and refurbishment of the derelict nineteenth century coach house and adjoining courtyard (381 square metres) located within the curtilage of Aghadoe House (a protected structure (RPS-KY-21306614)) for sensitive incorporation and reuse as part of a craft distillery, including reinstatement of roof, addition of a glazed canopy to form a covered entrance space and minor alterations to accommodate a reception area, café, restaurant, bar facilities and retail space at ground floor. Reinstatement of perimeter buildings within the existing courtyard in place of lost historic structures to accommodate café, restaurant, bar facilities (74 square metres) and mill (36 square metres), and additions to existing

outbuildings (42 square metres) to accommodate kitchen, stores, staff facilities and a new electricity substation. Removal of ruined lean-to structures (55 square metres) and twentieth century timber framed shed (18 square metres) and concrete water tank (15 square metres). Reinstatement of first floor mezzanine level (102 square metres) with attendant stairs and lift to accommodate an ancillary office and visitor sanitary facilities. Works to conserve, repair and extend the partly demolished stone wall forming the boundary with Aghadoe House, making provision for preservation of an existing walking route between the nearby R563 road junction and Fossa Primary School, and reinstatement of external ground surfaces within the courtyard and forecourt. Construction of a new 690 square metre still house/multipurpose event space accommodating distillation process equipment, tasting area, bar facilities, lower ground floor mechanical area, ancillary plant space, distilling staff accommodation, testing laboratory and attendant external storage silos, process vessels, co-product storage vessels, cooling tower, pH balance tank, underground LPG storage, underground firefighting water storage and all ancillary site development and landscape works while providing for preservation of mature and specimen trees. Construction of a new 460 square metre maturation storage building including cask filling and disgorging facilities, bottling station and all ancillary site development and landscape works while providing for preservation of mature and specimen trees. Construction of a new entrance and internal roadway from the R563 sensitively incorporated within the woodland to provide sole vehicular access to the site with attendant lighting, signage, gate and landscaping works and provision of associated car, bicycle and coaching parking. Conservation and management of the semi-natural woodland including conservation and reinstatement of 19th century landscape features and provision of access to neighbouring woodlands at The Woodland and Former Coach House, adjacent to Aghadoe House, Knoppoge, Aghadoe, Killarney, County Kerry as amended by the revised public notices received by the planning authority on the 20th day of November 2019.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- the zoning provisions for the site,
- the provisions of the Killarney Municipal District Local Area Plan 2018-2024 as they relate to the development of the village of Fossa,
- the provisions of Kerry County Development Plan 2015-2021 as they relate to tourism and amenity development,
- the proposed conservation/restoration of the coach house and courtyard of Aghadoe House (a protected structure),
- the sensitive siting of the development within established woodland,
- the proposed associated preservation and enhancement of this established woodland, and
- the quality of the layout and design of the proposed development,

it is considered that the proposed development would not undermine the form and character of the woodland habitat and its setting, would be in keeping with the provisions of the current Local Area Plan and the Kerry County Development Plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report and the only European sites in respect of which the proposed development has the potential to have a significant effect are Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) and Killarney National Park Special Protection Area (Site Code: 004038).

Appropriate Assessment: Stage 2

The Board considered the Natura impact statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development on the aforementioned European sites in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 24th day of October, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No signage, advertisement or advertisement structure shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. No signage, advertisements or advertisement structures shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:
 - (a) detailed drawings showing the layout and form of the proposed entrance onto Regional Road Number R563, the internal access road, shared surfaces and footpaths to meet the requirements of the planning authority; and
 - (b) traffic management provisions, inclusive of road signage, internal footpath connectivity and internal traffic management.

Reason: In the interest of traffic safety.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Trees to be retained shall be protected in accordance with the submitted tree protection measures. The landscaping scheme shall include details of proposed hard landscaping treatment and finishes.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, a conservation management plan shall be submitted to the planning authority for written agreement outlining the conservation and protection measures relating to the coach house and courtyard during the construction phase and providing comprehensive details on proposed materials to be used in the scheme to protect the historic fabric.

Reason: To ensure an appropriate standard of development/conservation.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and vibration management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board**

Dated this day of 2020